1978 No. 18

ROAD TRAFFIC AND VEHICLES

The Community Drivers' Hours Rules (Temporary Modifications) Regulations (Northern Ireland) 1978

Made . . . . . 17*th January* 1978

Coming into operation . . . 6*th February* 1978

The Department of the Environment, being a Department designated(a) for the purposes of section 2(2) of the European Communities Act 1972(b) in relation to the regulation and supervision of working conditions of persons engaged in road transport, in exercise of the powers conferred by that section, and of every other power enabling it in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Community Drivers' Hours Rules (Temporary Modifications) Regulations (Northern Ireland) 1978 and shall come into operation on 6th February 1978.

Interpretation

2.—(1) In these Regulations—

"the Community Drivers' Hours Regulation" means Council Regulation (EEC) No. 543/69 on the harmonisation of certain social legislation relating to road transport(c), as amended by Council Regulations (EEC) Nos. 514/72(d), 515/72(e) and 2827/77(f);

"the Commission decision" means the decision of the Commission of the European Communities which has been taken under Council Regulation (EEC) No. 2827/77 of 12th December 1977 (amending the Community Drivers' Hours Regulation), on an application by the United Kingdom Government under the said Council Regulation (EEC) No. 2827/77, and which authorises that Government to take measures with respect to national road transport operations for a period until 31st December 1980 derogating from Articles 7, 11 and 12 of the Community Drivers' Hours Regulation.

(2) The interpretation Act (Northern Ireland) 1954(g) shall apply to the interpretation of these Regulations as it applies to a Measure of the Northern Ireland Assembly.

Temporary modifications

3. Pursuant to the Commission decision the provisions of Articles 7 (which relates to driving periods) and 11 and 12 (which relate to daily and weekly rest periods) of the Community Drivers' Hours Regulation shall, until 31st December 1980, have effect in relation to national transport operations in Northern Ireland as follows:—

(a) S.I. 1975/1707 (1975 III, p. 5814)
(b) 1972 c. 68
(c) O.J. No. L 77/49 of 29.3.69
(d) O.J. No. L 67/1 of 20.3.72
(e) O.J. No. L 67/11 of 20.3.72
(f) O.J. No. L 334/1 of 12.12.77
(g) 1954 c. 33 (N.I.)

(*a*) as respects the carriage of goods, subject to the modifications specified in Part I of the Schedule, and

(*b*) as respects the carriage of passengers, subject to the modifications specified in Part II of the Schedule,

and each such modification shall have effect during the period shown in relation thereto in the Schedule; and Article 8 (breaks in driving) of the Community Drivers' Hours Regulation shall apply in accordance with the modified continuous driving periods set out in the Schedule.

Sealed with the Official Seal of the Department of the Environment for Northern Ireland on 17th January 1978.

(L.S.) *E. A. Simpson*
Assistant Secretary

SCHEDULE

Modifications derogating from Articles 7, 11 and 12 of the Community Drivers' Hours Regulation

PART I

CARRIAGE OF GOODS

1. *Article* 7(1) (*continuous driving period*):
   - from 1st January 1978 to 30th June 1979 the continuous driving period shall not exceed 5 hours;
   - from 1st July 1979 to 31st December 1980 the continuous driving period shall not exceed 4½ hours.

2. *Article* 7(2) (*daily driving period*):
   - from 1st January 1978 to 30th November 1978 the daily driving period shall not exceed 11 hours;
   - from 1st December 1978 to 30th June 1979 the daily driving period shall not exceed 10 hours;
   - from 1st July 1979 to 31st December 1980 the daily driving period shall not exceed 9 hours; it may, however, be extended to 10 hours not more than once a week.

3. *Article* 7(4) (*weekly and fortnightly driving periods*):
   - from 1st January 1978 to 30th November 1978 the driving period shall not exceed 63 hours in any one week or 120 hours in any 2 consecutive weeks;
   - from 1st December 1978 to 30th June 1979 the driving period shall not exceed 60 hours in any one week or 118 hours in any 2 consecutive weeks;
   - from 1st July 1979 to 31st December 1980 the driving period shall not exceed 54 hours in any one week or 106 hours in any 2 consecutive weeks.

4. *Article* 11(1) (*daily rest period*):
   - from 1st January 1978 to 30th September 1978 every crew member shall have had a daily rest period of 10 consecutive hours during the 24 hour period preceding any time when he is performing any activity covered by Article 14(2)(*c*) or (*d*) of the Community Drivers' Hours Regulation, which may be reduced to 8 hours provided that the following daily rest period is at least 12 hours;
   - from 1st October 1978 Article 11(1) shall apply in full.

5. *Article* 12 (*weekly rest period*):
   - from 1st January 1978 to 30th June 1979 the weekly rest period may be reduced to at least 24 consecutive hours, not necessarily preceded or followed immediately by a daily rest period; however, from 1st January 1978 to 30th September 1978 the weekly rest period may be replaced by a periodical rest period of 24 hours to be taken before the end of any fortnight;
   - from 1st July 1979 to 31st December 1979 the weekly rest period may be reduced to at least 24 consecutive hours, immediately preceded or followed by a daily rest period;
   - from 1st January 1980 Article 12 shall apply in full.

PART II

CARRIAGE OF PASSENGERS

1. *Article* 7(1) (*continuous driving period*):
   - from 1st January 1978 to 30th November 1978 the continuous driving period shall not exceed 5½ hours;
   - from 1st December 1978 to 30th September 1979 the continuous driving period shall not exceed 5 hours;
   - from 1st October 1979 to 31st December 1980 the continuous driving period shall not exceed 4½ hours.

2. *Article* 7(2) (*daily driving period*):
   - from 1st January 1978 to 30th November 1978 the daily driving period shall not exceed 11 hours;
   - from 1st December 1978 to 30th September 1979 the daily driving period shall not exceed 10 hours;
   - from 1st October 1979 to 31st December 1980 the daily driving period shall not exceed 9 hours; it may, however, be extended to 10 hours not more than once a week.

3. *Article* 7(4) (*weekly and fortnightly driving periods*):
   - from 1st January 1978 to 30th November 1978 the driving period shall not exceed 63 hours in any one week or 120 hours in any 2 consecutive weeks;
   - from 1st December 1978 to 30th September 1979 the driving period shall not exceed 60 hours in any one week or 118 hours in any 2 consecutive weeks;
   - from 1st October 1979 to 31st December 1980 the driving period shall not exceed 54 hours in any one week or 106 hours in any 2 consecutive weeks.

4. *Article* 11(2) (*daily rest period*):
   - from 1st January 1978 to 30th September 1978 every crew member shall have had a daily rest period of 10 consecutive hours during the 24 hour period preceding any time when he is performing any activity covered by Article 14(2)(*c*) or (*d*) of the Community Drivers' Hours Regulation, which may be reduced to 8 hours provided that the following daily rest period is at least 12 hours;
   - from 1st October 1978 to 30th September 1979 the daily rest period of 10 hours may be reduced to 8½ hours 3 times a week;
   - from 1st October 1979 to 31st December 1980 the daily rest period of 10 hours may be reduced to 9 hours 3 times a week.

5. *Article* 12 (*weekly rest period*):
   - from 1st January 1978 to 30th September 1979 the weekly rest period may be reduced to at least 24 consecutive hours, not necessarily preceded or followed immediately by a daily rest period; however, from 1st January 1978 to 30th September 1978 the weekly rest period may be replaced by a periodical rest period of 24 hours to be taken before the end of any fortnight;
   - from 1st October 1979 to 31st December 1980 the weekly rest period may be reduced to at least 24 consecutive hours, immediately preceded or followed by a daily rest period.

EXPLANATORY NOTE

(This Note is not part of the Regulations but is intended to indicate their general purport.)

The Regulations implement, as respects Northern Ireland, the decision of the Commission of the European Communities authorising the Government of the United Kingdom to take, with respect to national road transport operations, measures which will, during the period up to 31st December 1980, derogate from the provisions of Articles 7, 11 and 12 of Council Regulation (EEC) No. 543/69 which relate to hours and conditions of work of drivers in the road transport industry. These measures will allow a phased introduction of the provisions of the Council Regulation as they apply to national transport.

The modifications of Articles 7, 11 and 12 which are effected, as respects national transport operations, by these Regulations are set out in the Schedule to these Regulations, Part I of which relates to the carriage of goods and Part II of which relates to the carriage of passengers. The periods during which the particular modifications are operative are specified in the Schedule against each modification.

None of the modifications will be operative by virtue of these Regulations after 31st December 1980.

1978 No. 19

This Order has been exempted from printing by the Statutory Rules Act (Northern Ireland) 1958. A summary is given in the List of Statutory Rules of a Local Character under the heading ROADS.